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■

RUBBER PROCESSING POINT SOURCE CATEGORY

Tire and Inner Tube Plants, Emulsion Crumb Rubber, Solution Crumb Rubber, and Latex Rubber Subcategories

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

PART 428—RUBBER PROCESSING POINT SOURCE CATEGORY

Tire and Inner Tube Plants, Emulsion Crumb Rubber, Solution Crumb Rubber, Latex Rubber Subcategories

On October 11, 1973 notice was published in the FEDERAL REGISTER, (38 FR 28219) that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the tire and inner tube plants, emulsion crumb rubber, solution crumb rubber and latex rubber subcategories of the rubber processing category of point sources. This final rulemaking which established final effluent limitations guidelines and standards of performance and pretreatment standards for new sources is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c), and 307(c) of the Federal Water Pollution Control Act, as amended, (the Act); (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c), and 1317(c)); 86 Stat. 816 et seq.; Pub. L. 92-500. Regulations regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated in 40 CFR 402.

In addition, the EPA is simultaneously proposing a separate provision which appears in the proposed rules section of the FEDERAL REGISTER, stating the application of the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment standards under section 307(b) of the Act. The basis of that proposed regulation is set forth in the associated notice of proposed rulemaking.

The legal basis, methodology and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of proposed rulemaking for the tire and inner tube plants, emulsion crumb rubber, solution crumb rubber and latex rubber subcategories. In addition, the regulations as proposed were supported by two other documents: (1) the document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Tire and Synthetic Segment of the Rubber Processing Point Source Category" (September 1973) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines," "Rubber Processing Industry" (September 1973). Both of these documents were made available to the public and circulated to interested persons at approximately the time of publication of the notice of proposed rulemaking.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from the date of publication. Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties were described in the preamble to the proposed regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response thereto follows.

The regulation as promulgated contains minor departures from the proposed regulation. The following discussion outlines the reasons why these changes were made and why other suggested changes were not made.

(a) Summary of Comments.

The following responded to the request for written comments contained in the preamble to the proposed regulation: Phillips Petroleum; Anne W. Amacher, Citizen; B. F. Goodrich Co.; Texas-U.S. Chemical Co.; Dupont-Texas Chemical Council; Carolyn A. Carr, Citizen; Uniroyal, Inc.; Dupont, Wilmington; Los Angeles County; U.S. Department of Commerce and the U.S. Department of the Interior.

Each of the comments received was carefully reviewed and analyzed. The following is a summary of the significant comments and the Agency's response to those comments.

(1) It was urged that the Agency not include algae from oxidation ponds in the TSS limitation or that the Agency double the limitation, if algae is to be included.

It is the Agency's intention that any material contributing to TSS is to be included in the limitation and the Agency believes that the limitation can be met by plants practicing best practicable control technology currently available.

(2) It was suggested that the BOD test is inaccurate at low concentrations (5 mg/1) and that best available technology economically achievable to achieve 5 mg/1 is unrealistic in terms of cost and water quality impact.

The use of activated carbon technology for best available technology economically achievable will reduce BOD5 to levels less than 5 mg/1, which in the Agency's judgment is within the range of measurement using standard analytical methods.

(3) The comment was made that one of EPA's contractors has assumed that rubber production is directly proportional to water use.

The data obtained by the contractor shows that there is a high correlation between production and water use within any given synthetic rubber subcategory.

(4) It was recommended that the best available technology economically achievable limitations be doubled or that the Agency study best available technology economically achievable further.

It is the Agency's judgment that, based on current data, the limitations set forth for best available technology economically achievable can be met using activated carbon technology. In addition the Act requires review of the limitations within five years of promulgation.

(5) It was recommended that the wording "30 consecutive days" be changed to "any calendar month" to simplify record keeping.

Since discharges will in any event be required to keep daily production and discharge records to determine compliance with limitations applicable to any one day, additional monitoring or records will not be required to comply with this provision. Moreover, the Agency believes that dischargers should meet the limitations for any 30 consecutive days in order to prevent sustained periods of high levels of discharge.

(6) One commenter stated that the regulations do not prohibit tire and inner tube plants from releasing toxic pollutants and pollutants with unknown effects on human beings and fish. Also the regulation does not prohibit the release of any specific chemical compound by name, neither does the regulation require tire plants to get EPA permission before adding new chemicals to their process which might get into the discharged water.

Although the ingredients used in compounding rubber for tire and inner tube manufacturing might possibly be harmful if discharged as process waste water pollutants, compounding is a dry process and none of the specific ingredients used in compounding the rubber was detected in the waste waters. The limitations for best practicable control technology and best available technology will lead to control and removal of all identified primary pollutants of concern. Discharge of harmful substances are independently controlled under sections 303 and 307 of the Act.

(7) The same commenter noted that EPA did not consult with the American Chemical Society, American Academy of Science, American Cancer Society or NIH in drafting the proposed regulations.

The preamble to the proposed regulations invited comments from all interested persons or organizations. The organizations cited by the commenter did not submit comments or suggestions.

(8) One commenter does not believe there are any benefits to be gained by separating process waste water from utility waste water and storm water in tire and inner tube plants.

The Agency believes that isolation of process waste waters from other types of plant wastes as the least costly alternative to meet the effluent limitations. Any method or procedure can be used that will achieve the required reduction of the process waste water pollutants, TSS and oil and grease.

(9) Two commenters stated that the technology, biological treatment, does not result in a specified COD removal. COD removal is only coincidental with BOD removal.

COD does not always correlate with BOD. However, in this industry, there is sufficient data to indicate that best practicable control technology will result in compliance with the limitations for COD.

(10) Several commenters stated that there has not been enough study on which to base best available technology

economically achievable limitations and recommend a several months testing program to obtain additional information on the applicability of best available technology economically achievable to specific types of synthetic rubber waste water pollutants.

Although the Agency believes that the BATEA limitations are realistic, it is recognized that there may be some technical and economic risk for industry in applying the technology to synthetic rubber waste effluents. However, the Act requires review and, if appropriate, modification of these guidelines every five years. If subsequent data indicate that modification of these guidelines is required, such modification will be considered at that time.

(11) One commenter suggested that EPA should relate limitations to the size of the receiving stream. The characteristics of receiving water bodies must be taken into account in permit issuance, to ensure that permits require compliance with water quality standards under section 303 of the Act. However, receiving water characteristics are not relevant to determination of effluent reduction attainable by the application of available technology.

(12) One commenter suggested that the control of problems at old tire plants indicate that the "guidelines" should be twice that of newer plants.

The data in possession of the Agency and presented in the Development Document indicate that any tire or inner tube plant practicing BPCTCA can meet the effluent limitations set forth in this regulation regardless of the age of the plant.

(13) Two commenters stated that the costs of segregation of effluent streams at old tire plants are excessive and the lack of available land for waste treatment systems at old plants may entail excessive costs.

The isolation of the process waste waters stream from other waste streams in older tire plants should not require excessive costs. These costs are discussed in detail in the development document. The equipment and control systems required to meet BPCTCA have been estimated to require less than 5,000 square feet of plant area.

(14) One commenter stated that the BPCTCA for emulsion plants contains flaws and does not account for nitrile rubber production peculiarities.

The commenter did not specify any specific respects in which nitrile rubber facilities differ from other facilities in the same subcategory. The Agency is not aware that any relevant differences exist. Accordingly, it is appropriate to require such facilities to achieve the same degrees of effluent control as other plants employing similar processes.

(15) Two commenters stated that there seems to be no logical correlation between neoprene technology and hydrocarbon technology that would justify a common limitation for either BPCTCA or BATEA.

Although neoprene production facilities may have more difficulty operating treatment systems than hydrocarbon facilities, it is the Agency's judgment that neoprene rubber facilities can meet the limitations for BPCTCA and BATEA as set forth in the regulation.

(16) A comment was made that the start-and-stop process operations at chloroprene plants affect their ability to meet the daily limitations.

The Agency believes that the start-and-stop process operations at chloroprene plants are no more frequent or severe than in hydrocarbon rubber production.

(17) It was recommended that the definitions of specific pollutant parameters measurements be changed and that the basis for limitation reflect both product produced and water use and that the limitation be expressed in mg/l.

These guidelines are based upon the total quantity of pollutant per unit of production, rather than upon the concentration discharged, to preclude the use of dilution as a means of attaining the limitations and to avoid penalizing dischargers who practice good water conservation. However, any discharger will be able to calculate the concentration which he will have to achieve in order to meet the limitations from his known water usage and the limitations set forth herein.

(18) It was recommended that the older and newer tire and inner tube plants subcategories be combined, since the limitations set forth for each of the two subcategories are the same.

The original purpose of the subcategorization for the tire and inner tube plants subcategories was to identify the relative economic impact for old and new plants. Since the Development Document and the Economic Analysis report for the industry clarify the differences in cost for old and new plants, the need to retain the separate subcategorization for older and newer plants is dissipated. The subcategories, therefore have been combined, and the regulation modified to reflect the change.

(19) Two commenters stated that the accuracy of the cost estimates is less than satisfactory for the synthetic rubber subcategories. Costs and economic impacts should be reexamined.

The cost estimates provided in the Development Document and used for the economic analysis have been reexamined. It is the Agency's judgment that the cost estimates, although subject to minor errors and miscalculations, in general accurately reflect the economic impact on the various segments of the industry.

(20) Another commenter thought that the methodology statements are incorrect.

The Agency and the economics contractor have reviewed the methodology and continue to believe that it represents the economic situation fairly.

(21) It was suggested that the Agency did not examine the economic impact or differential treatment costs which would be incurred by small producers.

The Agency has examined a wide range of plants within this industry. All of the small plants of which we are aware discharge into municipal treatment systems and will therefore not be directly affected by these guidelines. However, because there is a possibility that small plants may exist which discharge directly into navigable waters, the treatment cost which such a plant would incur were examined and discussed in the development document.

(22) A comment was made that the economic analysis presents costs based on a breakdown different from that of the Development Document.

This was checked and the Agency found that the economic analysis used investment and annual costs based on costs provided in the Development Document.

(b) Revision of the proposed regulation prior to promulgation.

As a result of public comment and continuing review and evaluation of the proposed regulation by the EPA, the following changes have been made in the regulation.

(1) The older tire and inner tube plants subcategory and the newer tire and inner tube plants subcategory have been combined and designated as tire and inner tube plants subcategory.

(2) The subparts of the regulation have been numbered to reflect a total of four subcategories instead of five.

(3) Section 304(b)(1)(B) of the Act provides for "guidelines" to implement the uniform national standards of section 301(b)(1)(A). Thus Congress recognized that some flexibility was necessary in order to take into account the complexity of the industrial world with respect to the practicability of pollution control technology. In conformity with the Congressional intent and in recognition of the possible failure of these regulations to account for all factors bearing on the practicability of control technology, it was concluded that some provision was needed to authorize flexibility in the strict application of the limitations contained in the regulation where required by special circumstances applicable to individual dischargers. Accordingly, a provision allowing flexibility in the application of the limitations representing best practicable control technology currently available has been added to each subpart, to account for special circumstances that may not have been adequately accounted for when these regulations were developed.

(c) Economic impact.

The resultant changes to the regulation will not affect the results of the economic analysis prepared for the proposed regulation.

(d) Cost-benefit analysis.

The detrimental effects of the constituents of waste waters now discharged by point sources within the tire and synthetic segment of the rubber processing point source category are discussed in section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the Tire and Synthetic Segment of the Rubber Processing Point Source Category" (February 1974). It is not feasible to quantify in economic

terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations guidelines includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in Section VIII and in the supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines RUBBER PROCESSING INDUSTRY" (September 1973). Implementing the effluent limitations guidelines will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the rubber processing industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs which, though substantial in absolute terms, represent a relatively small percentage of the total capital investment in the industry.

(e) Publication of information on processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants.

In conformance with the requirements of Section 304(c) of the Act, a manual entitled, "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Tire and Synthetic Segment of the Rubber Processing Point Source Category," has been published and is available for purchase from the Government Printing Office, Washington, D.C. 20401 for a nominal fee.

(f) Final rulemaking.

In consideration of the foregoing, 40 CFR Chapter I, Subchapter N is hereby amended by adding a new Part 428, Rubber Processing Point Source Category, to read as set forth below. This final regulation is promulgated as set forth below and shall be effective April 22, 1974.

Dated: February 8, 1974.

RUSSELL E. TRAIN,
Administrator.

PART 428—RUBBER MANUFACTURING POINT SOURCE CATEGORY

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Subpart A—Tire and Inner Tube Plants Subcategory

§ 428.10 Applicability; description of the tire and inner tube plants subcategory.

The provisions of this subpart are applicable to discharges of pollutants resulting from the production of pneumatic tires and inner tubes in tire and inner tube plants.

§ 428.11 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "raw material" shall mean all natural and synthetic rubber, carbon black, oils, chemical compounds, fabric and wire used in the manufacture of pneumatic tires and inner tubes or components thereof.

(c) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in Methods for Chemical Analysis of Water and Wastes, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

§ 428.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of product)	
TSS	0.096	0.064
Oil and grease	.024	.016
pH	Within the range 6.0 to 9.0.	
	English units (lb/1,000 lb of product)	
TSS	0.096	0.064
Oil and grease	.024	.016
pH	Within the range 6.0 to 9.0.	

§ 428.13 Effluent limitations guidelines, representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of product)	
TSS	0.096	0.064
Oil and grease	.024	.016
pH	Within the range 6.0 to 9.0.	
	English units (lb/1,000 lb of product)	
TSS	0.096	0.064
Oil and grease	.024	.016
pH	Within the range 6.0 to 9.0.	

§ 428.14 Reserved.

§ 428.15 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of product)	
TSS	0.096	0.064
Oil and grease	.024	.016
pH	Within the range 6.0 to 9.0.	
	English units (lb/1,000 lb of product)	
TSS	0.096	0.064
Oil and grease	.024	.016
pH	Within the range 6.0 to 9.0.	

§ 428.16 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the tire and inner tube plants subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 428.15; *Provided*, That if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

Subpart B—Emulsion Crumb Rubber Subcategory

§ 428.20 Applicability; description of the emulsion crumb rubber subcategory.

The provisions of this subpart are applicable to discharges of pollutants resulting from the manufacture of emulsion crumb rubber.

§ 428.21 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in Methods for Chemical Analysis of Water and Wastes, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

§ 428.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of product)	
COD	12.00	8.00
BOD5	.60	.40
TSS	.98	.65
Oil and grease	.24	.16
pH	Within the range 6.0 to 9.0.	
	English units (lb/1,000 lb of product)	
COD	12.00	8.00
BOD5	.60	.40
TSS	.98	.65
Oil and grease	.24	.16
pH	Within the range 6.0 to 9.0.	

§ 428.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of product)	
COD	3.12	2.08
BOD5	.12	.08
TSS	.24	.16
Oil and grease	.12	.08
pH	Within the range 6.0 to 9.0.	
	English units (lb/1,000 lb of product)	
COD	3.12	2.08
BOD5	.12	.08
TSS	.24	.16
Oil and grease	.12	.08
pH	Within the range 6.0 to 9.0.	

§ 428.24 Reserved.

§ 428.25 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: the limitations shall be as specified in § 428.22.

§ 428.26 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the emulsion crumb rubber subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 428.25; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

Subpart C—Solution Crumb Rubber Subcategory

§ 428.30 Applicability; description of the solution crumb rubber subcategory.

The provisions of this subpart are applicable to discharges of pollutants resulting from the

§ 428.31 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "oil and grease" shall mean those components of waste water amenable to measurement by the method described in Methods for Chemical Analysis of Water and Wastes, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

§ 428.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of product)	
COD	5.91	3.94
BOD5	.60	.40
TSS	.98	.65
Oil and grease	.24	.16
pH	Within the range 6.0 to 9.0.	
	English units (lb/1,000 lb of product)	
COD	5.91	3.94
BOD5	.60	.40
TSS	.98	.65
Oil and grease	.24	.16
pH	Within the range 6.0 to 9.0.	

§ 428.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of product)	
COD	3.12	2.08
BOD5	.12	.08
TSS	.24	.16
Oil and grease	.12	.08
pH	Within the range 6.0 to 9.0.	
	English units (lb/1,000 lb of product)	
COD	3.12	2.08
BOD5	.12	.08
TSS	.24	.16
Oil and grease	.12	.08
pH	Within the range 6.0 to 9.0.	

§ 428.34 [Reserved]

§ 428.35 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: the limitations shall be as specified in § 428.32.

§ 428.36 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the solution crumb rubber subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 428.35: *Provided*, That if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pre-

treatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

Subpart D—Latex Rubber Subcategory

§ 428.40 Applicability; description of the latex rubber subcategory.

The provisions of this subpart are applicable to discharges of pollutants resulting from the manufacture of latex rubber.

§ 428.41 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "oil and grease" shall mean those components of waste water amenable to measurement by the method described in Methods for Chemical Analysis of Water and Wastes, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

§ 428.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) and factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of product)	
COD	10.27	6.85
BOD5	.51	.34
TSS	.82	.55
Oil and grease	.21	.14
pH	Within the range 6.0 to 9.0.	
	English units (lb/1,000 lb of product)	
COD	10.27	6.85
BOD5	.51	.34
TSS	.82	.55
Oil and grease	.21	.14
pH	Within the range 6.0 to 9.0.	

§ 428.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of product)	
COD	2.66	1.78
BOD5	.11	.07
TSS	.21	.14
Oil and grease	.11	.07
pH	Within the range 6.0 to 9.0.	
	English units (lb/1,000 lb of product)	
COD	2.66	1.78
BOD5	.11	.07
TSS	.21	.14
Oil and grease	.11	.07
pH	Within the range 6.0 to 9.0.	

§ 428.44 [Reserved]

§ 428.45 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new point source subject to the provisions of this subpart: the limitations shall be as specified for § 428.42.

§ 428.46 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the latex rubber subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 428.45; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

[FR Doc.74-3715 Filed 2-20-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 428]

RUBBER PROCESSING POINT SOURCE CATEGORY

Application of Effluent Limitations Guidelines

Notice is hereby given pursuant to sections 301, 304 and 307(b) of the Federal Water Pollution Control Act, as amended (the Act) (33 U.S.C. 1251, 1311, 1314 and 1317(b)); 86 Stat. 816 et seq.; Pub. L. 92-500, that the proposed regulation set forth below concerns the application of effluent limitations guidelines for existing sources to pretreatment standards for incompatible pollutants. The proposal will amend 40 CFR Part 428—Rubber Processing Point Source Category, establishing for each subcategory therein the extent of application of effluent limitations guidelines to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards set forth at 40 CFR 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The proposed regulation is also intended to supplement a final regulation being simultaneously promulgated by the Environmental Protection Agency (EPA or Agency) which provides effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the tire and inner tube plants subcategory, emulsion crumbs rubber subcategory, solution crumb rubber subcategory, latex rubber subcategory, subcategories of the rubber processing point source category. The latter regulation applies to the portion of a discharge which is directed to the navigable waters. The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the guidelines and standards (40 CFR 428) promulgated simultaneously apply. However, the proposed regulation applies to the introduction of incompatible pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. (See 40 CFR 128.110 (State or local law) and 40 CFR 128.131 (Prohibited wastes) for requirements which may be applicable to compatible pollutants.) Incompatible pollutants are subject to pretreatment standards as provided in 40 CFR 128.133, which provides as follows:

> In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry not subject to section 307(c) of the Act shall be, for sources within the corresponding industrial or commercial category, that established by a promulgated effluent limitations guideline defining best practicable control technology currently available pursuant to sections 301(b) and 304(b) of the Act: *Provided*, That if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant: *And provided further*, That when the effluent limitations guideline for each industry is promulgated, a separate provision will be proposed concerning the application of such guidelines to pretreatment.

The regulation proposed below is intended to implement that portion of § 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations guidelines based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations guidelines is appropriate to support the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

Sections 428.15, 428.25, 428.35, 428.45, and 428.55 of the proposed regulation for point sources within the tire and inner tube plants, emulsion crumb rubber, solution crumb rubber and latex rubber subcategories (October 11, 1973; 38 FR 28219), contained the proposed pretreatment standard for new sources. The regulation promulgated simultaneously herewith contains §§ 428.16, 428.26, 428.36, and 428.46 which state the applicability of standards of performance for purposes of pretreatment standard for new sources.

A preliminary Development Document was made available to the public at approximately the time of publication of the notice of proposed rulemaking and the final Development Document entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Tire and Synthetic Segment of the Rubber Processing Point Source Category" is now being published. The economic analysis report entitled "Economic Analysis of Proposed Effluent Guidelines, Rubber Industry", (September 1973) was made available at the time of proposal. Copies of the final Development Document and economic analysis report will continue to be maintained for inspection and copying during the comment period at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. Copies will also be available for inspection at EPA regional offices and at State water pollution control agency offices. Copies of the Development Document may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402. Copies of the economic analysis report will be available for purchase through the National Technical Information Service, Springfield, Virginia 22151.

On June 14, 1973, the Agency published procedures designed to insure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public. (38 FR 15653) The procedures are applicable to major standards, regulations and guidelines which are proposed on or after December 31, 1973, and which either prescribe national standards of environmental quality or require national emission, effluent or performance standards or limitations.

The Agency determined to implement these procedures in order to insure that the public was provided with background information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major environmental effects of a proposed action, to discuss the pertinent nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedures contemplate publication of this information in the FEDERAL REGISTER, where this is practicable. They provide, however, that where such publication is impracticable because of the length of these materials, the material may be made available in an alternate format.

The Development Document referred to above contains information available to the Agency concerning the major environmental effects of the regulation proposed below. The information includes: (1) The identification of pollutants present in waste waters resulting from rubber processing, the characteristics of these pollutants, and the degree of pollutant reduction obtainable through implementation of the proposed standard; and (2) the anticipated effects on other aspects of the environment (including air, subsurface waters, solid waste disposal and land use, and noise) of the treatment technologies available to meet the standard proposed.

The Development Document and the economic analysis report referred to above also contain information available to the Agency regarding the estimated cost and energy consumption implications of those treatment technologies and the potential effects of those costs on the price and production of tires and inner tubes and synthetic rubbers. The two reports exceed, in the aggregate, 100 pages in length and contain a substantial

number of charts, diagrams and tables. It is clearly impracticable to publish the material contained in these documents in the FEDERAL REGISTER. To the extent possible, significant aspects of the material have been presented in summary form in the preamble to the proposed regulation containing effluent limitations guidelines, new source performance standards and pretreatment standards for new sources within the rubber processing category (38 FR 28219; October 11, 1973). Additional discussion is contained in the analysis of public comments on the proposed regulation and the Agency's response to those comments. This discussion appears in the preamble to the promulgated regulation (40 CFR Part 428) which currently is being published in the Rules and Regulations section of the FEDERAL REGISTER.

The options available to the Agency in establishing the level of pollutant reduction obtainable through the best practicable control technology currently available, and the reasons for the particular level of reduction selected are discussed in the documents described above. In applying the effluent limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal systems by existing sources in the tire and inner tube plants, emulsion crumb rubber, solution crumb, rubber and latex rubber subcategories the Agency has, essentially, three options. The first is to declare that the guidelines do not apply. The second is to apply the guidelines unchanged. The third is to modify the guidelines to reflect: (1) differences between direct dischargers and plants utilizing municipal systems which affect the practicability of the latter employing the technology available to achieve the effluent limitations guidelines; or (2) characteristics of the relevant pollutants which require higher levels of reduction (or permit less stringent levels) in order to insure that the pollutants do not interfere with the treatment works or pass through them untreated.

As described in the Development Document the process waste waters from plants in the tire and inner tube plants subcategory contain suspended solids, oil and grease and pH. The process waste water from plants in the emulsion crumb rubber, solution crumb rubber and latex rubber subcategories contain BOD5, COD, suspended solids, oil and grease and pH. Accordingly, it is the opinion of the EPA that because the suspended solids, and pH discharged by tire and inner tube plants are recognized as compatible pollutants and because the relatively low concentration of oil and grease discharged by such plants are compatible with adequately designed public treatment works, the first option is appropriate and discharge of these pollutants without pretreatment should be allowed. For plants in the emulsion crumb, solution crumb and latex rubber subcategories, BOD5, suspended solids, and pH are recognized as compatible pollutants, as well as oil and grease which is present in low concentration and is compatible with adequately designed public treatment works. However, the COD contained in the process waste waters is not compatible if introduced into a publicly owned treatment works untreated because it may obstruct the flow in sewers or interfere with the proper operation of the treatment works. Therefore, it is the opinion of the EPA that the guildlines should apply except that BOD5, suspended solids, oil and grease as found in discharges from this industry segment, and pH are recognized as compatible pollutants and discharge of these pollutants without pretreatment should be allowed.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data is essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing pretreatment standards for existing sources, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304 and 307(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. 20460. The EPA information regulation, 40 CFR 2, provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, it is hereby proposed that 40 CFR 428 be amended to add §§ 428.14, 428.24, 428.34, and 428.44. All comments received on or by March 25, 1974 will be considered.

Dated: February 8, 1974.

RUSSELL E. TRAIN,
Administrator.

PART 428—RUBBER PROCESSING POINT SOURCE CATEGORY

40 CFR Part 428 is proposed to be amended as follows:

§ 428.14 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 428.12 above shall not apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

§ 428.24 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines for chemical oxygen demand set forth in 40 CFR 428.22 above shall apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

§ 428.34 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines for chemical oxygen demand set forth in 40 CFR 428.32 above shall apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

§ 428.44 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines for chemical oxygen demand set forth in 40 CFR 428.42 above shall apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

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